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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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47973 7590 10/30/2007
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EXAMINER

CHOWDHURY, SUMAIYA A

ART UNIT

PAPER NUMBER

2623

MAIL DATE

DELIVERY MODE

10/30/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	09/993,795	GOLDMAN, PHILLIP Y.	
	Examiner	Art Unit	
	Sumaiya A. Chowdhury	2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 September 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,7,11,12,15-20,24,25,29,30,32-35,37 and 38 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,7,11,12,15-20,24,25,29,30,32-35,37 and 38 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1, 7, 11, 12, 15-20, 24, 25, 29, 30, 32-35, 37 and 38 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
3. Claims 1, 7, 11, 17-18, 25, 30, 32-34 and 37-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gutta (US 2002/0144259) in view of Nguyen (US 2002/0104095).

As for claim 1, Gutta teaches in a computing device having an associated output device that is communicatively connected with at least one other computing device, a method for automatically pausing display of media content in response to an event associated with said other computing device, comprising the acts of:

as media content is obtained from a content source and displayed by the output device, detecting a first event associated with said other device (telephone), indicating that the output of the media content is to be paused, wherein said first event comprises

a telephone related event – (If a telephone call is detected, the content is paused (live pause). – Fig. 2 & Fig. 3, [0016], [0020], [0015]);

in response to detecting the first event (telephone ring), and while maintaining a connection with the content source and continuing to receive media content from the content source, automatically executing an pause operation on the media content such that the display of the media content is modified and can be later restored without loss of continuity of the media output, said pause operation being automatically executed in response to an incoming call at said other device – (In live pause, a command is sent to the receiver to pause the current frame, while at the same time recording content being received such that the user can continue to watch the program from the point he was interrupted. – Fig. 2 & Fig. 3, [0016], [0020], [0015]);).

Although Gutta discloses detecting an incoming telephone call, he fails to disclose detecting receipt of an email.

In an analogous art, Nguyen teaches detecting receipt of an email in a television environment. The email is detected at STB 105 and the user is notified of the receipt of the email at notification device 115. Furthermore, the email is received over a public switched telephone network (PSTN), the same network used to receive incoming telephone calls – [0015], [0019], [0046].

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Gutta's invention to include the above mentioned limitation, as taught by Nguyen, for the desirable advantage of increasing versatility of services received in a television environment.

As for claim 7, Gutta and Nguyen disclose the claimed limitations. In particular, Gutta teaches wherein the act of detecting the first event comprises the act of detecting a signal from a device (telephone) associated with a home network – [0016].

Claim 11 contains the limitations of claim 1 and is analyzed as previously discussed with respect to that claim. Claim 11 additionally discloses the following:

the media content comprises a live television program (Gutta teaches receiving TV programs. TV programs are inclusive of live programs such as sports games.)

As for claims 17 and 18, Gutta teaches the act of displaying a message associated with detection of the first event and wherein the act of displaying a message (caller ID information) associated with detection of the first event comprises the act of displaying caller ID data associated with an incoming telephone call – (caller id device 170; [0016]). Nguyen teaches when an email is received, the newly-received email is displayed on the television. By displaying the email, both the act of displaying a message associated with detection of receipt of the email is taught, and similarly the sender data associated with the received email is taught. – [0041].

Claim 25 contains the limitations of claim 1 and is analyzed as previously discussed with respect to claim 1. Claim 25 additionally discloses the following which Gutta teaches:

identifying a priority value to be assigned to a caller based on priority information stored at the computing device (Based on the caller, the content is paused or the call is ignored. - fig. 2, [0016], [0020]);

applying a rule of a set of rules to the priority value assigned to the event to identify an interruption operation to pause the display of the media content in response to a call. (fig. 2, [0016], [0020]);

Although Gutta discloses an incoming telephone call, he fails to disclose receipt of an email.

In an analogous art, Nguyen teaches detecting receipt of an email in a television environment. The email is detected at STB 105 and the user is notified of the receipt of the email at notification device 115. Furthermore, the email is received over a public switched telephone network (PSTN), the same network used to receive incoming telephone calls – [0015], [0019], [0046].

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Gutta's invention to include the above mentioned limitation, as taught by Nguyen, for the desirable advantage of increasing versatility of services received in a television environment.

As for claim 30, Gutta and Nguyen disclose the claimed limitations. In particular, Gutta teaches the act of receiving data that was registered with the interruption engine by a user, wherein the data defines the set of rules (The user explicitly specifies the alert threshold for interruption for each event. –[0016], [0020], [0021]).

As for claim 32, Gutta and Nguyen disclose the claimed limitations. In particular, Gutta teaches the act of the interruption engine learning the behavior of a viewer associated with the computing device so as to generate the information on which the priority value to be assigned to the event is based ([0021]).

As for claim 33, Gutta and Nguyen disclose the claimed limitations. In particular, Gutta teaches the act of the interruption engine learning the behavior of a viewer associated with the computing device so as to generate the rule of the set of rules ([0016], [0020]).

As for claim 34, Gutta and Nguyen disclose the claimed limitations. In particular, Gutta teaches wherein the act of applying a rule of a set of rules to the priority value comprises the act of further applying an exception to the rule ([0016], [0020]).

As for claim 37, Gutta and Nguyen disclose the claimed limitations. In particular, Gutta teaches carrying computer-executable instructions that, when executed at the

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computing device, cause the computing device to perform the method as recited in claim 1 ([0016], [0020]).

Claim 38 contains the limitations of claims 1, 11, 16, and is analyzed as previously discussed with respect to those claims.

4. Claims 12 and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gutta and Nguyen, and further in view of O'Callaghan (5594492).

As for claim 12, Gutta teaches wherein the act of detecting a first event indicating that the output of the media content is to be modified comprises the act of, as television programming is received from a server and output by the output device, detecting a first event (incoming phone call) indicating that the output of the television programming is to be interrupted ([0016], [0020], [0021]). Nguyen teaches detecting receipt of an email - [0015], [0019], [0046].

However, Gutta and Nguyen fail to teach that the server is a video on demand server.

In an analogous art, O'Callaghan teaches a video on demand server (404 – Fig. 4) for the advantage of allowing the user to view selected content instantaneously – col. 6, lines 36-45.

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Gutta and Nguyen's invention to include a video on

demand server, as taught by O'Callaghan, for the advantage of allowing the user to view selected content instantaneously.

As for claim 35, Gutta and Nguyen teach applying a rule of a set of rules to the priority value (Gutta: col. 12, lines 7-32). However, Gutta and Nguyen fail to teach a video on demand server

In an analogous art, O'Callaghan teaches a video on demand server (404 – Fig. 4) for the advantage of allowing the user to view selected content instantaneously – col. 6, lines 36-45.

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Gutta and Nguyen's invention to include a video on demand server, as taught by O'Callaghan, for the advantage of allowing the user to view selected content instantaneously.

5. Claims 15, 16, 19-20, and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gutta and Nguyen in view of Abecassis.

As for claim 15, Gutta and Nguyen fail to explicitly teach in response to a second event resuming the output of the media content.

In an analogous art, Abecassis teaches in response to a second event resuming the output of the media content – col. 53, lines 25-40.

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Gutta and Nguyen 's invention to include the above mentioned limitation, as taught by Abecassis, in order to have programming resumed after some specified criteria.

Claim 16 contains the limitations of claims 11 and 15, and is analyzed as previously discussed with respect to those claims.

As for claim 19, Gutta teaches live pause. In live pause, the stored program is resumed as specified by the system or user. However, Gutta and Nguyen fail to teach in response to a second event, resuming display of the television signal by displaying the television signal that has been stored on the storage device.

In an analogous art, Abecassis teaches teach in response to a second event, resuming display of the television signal by displaying the television signal that has been stored on the storage device (storage module; col. 52, lines 49-57).

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Gutta and Nguyen's invention to include the above mentioned limitation, as taught by Abecassis, for the advantage of in order to have programming resumed after some specified criteria.

As for claim 20, Gutta teaches automatically executing the pause operation on the media content comprises automatically pausing the display of the media content when the ring signal is detected on the telephone line –(The corresponding action-item that is performed by the media player controller in response to the media player controller detecting that the telephone is ringing - [0016], [0020]). Nguyen teaches detecting receipt of an email - [0015], [0019], [0046].

As for claim 24, Gutta teaches wherein the act of detecting the first event comprises the act of detecting a signal from a device (telephone) associated with a home network – [0016].

6. Claim 29 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gutta and Nguyen as applied to claim 25 above, and further in view of Block (6,675,384).

As for claim 29, Gutta and Nguyen fail to teach receiving the set of rules in broadcast data encoded in a television signal.

In an analogous art, Block teaches that the label generator (170 – Fig. 2) provides a transmitted information label TIL for transmission with the programs signals. The TIL is used to identify and characterize the content of the audio and video program signals (col. 4, lines 47-52). Based on the TIL encoded in the program signal, the content is either blocked or displayed to the viewer (col. 13, lines 23-57).

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Gutta and Nguyen's invention to include receiving the set of rules in broadcast data encoded in a television signal, as taught by Block, for the advantage of having the headend determine what is objectionable or not to the viewer.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sumaiya A. Chowdhury whose telephone number is (571) 272-8567. The examiner can normally be reached on Mon-Fri, 9-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on (571) 272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SAC


ANDREW Y. KOENIG
PRIMARY PATENT EXAMINER